

## **WEST VIRGINIA BOARD OF MEDICINE**

### **Complaint Committee Meeting Minutes**

**November 3, 2024**

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A meeting of the West Virginia Board of Medicine Complaint Committee was held at 101 Dee Drive, Charleston, West Virginia, on the 3rd day of November 2024, beginning at 12:00 pm.

The following Committee members were present:

David A. Mullins, MD, Complaint Committee Chair  
Radhakrishna U. Kukkillaya, MD  
Angela A. Mayfield  
Christopher J. Tipton, PA

The following Staff members were present:

Mark A. Spangler, MA  
Jamie S. Alley, Esquire  
Greg Foster, Esquire  
Leslie A. Thornton, CMBI  
Jacob W. Spradling

#### **CALL TO ORDER**

Dr. Mullins called the meeting to order.

#### **APPROVAL OF**

**MINUTES** Dr. Kukkillaya made a motion to approve the minutes of the September 8, 2024 Complaint Committee meeting, the September 19, 2024 special meeting and the October 23, 2024 Emergency Complaint Committee meeting. Mr. Tipton seconded the motion, and the motion carried.

#### **BOARD**

##### **COUNSEL REPORT**

Mr. Foster provided an update with respect to the Consent Orders offered by the Committee. Since the September meeting, a fully executed Consent Order has been entered with respect to each of the following licensees:

CONSENT ORDERS		
Licensee	Entry Date	Summary and Terms
Richard Alan Meter, MD Complaint No. 23-122-W	September 17, 2024	This licensee was publicly reprimanded for conducting a breast observation on a sedated patient without obtaining informed consent.
Nikola Bicak, DPM Complaint No. 24-51-W	October 15, 2024	This licensee was fined \$1,800.00 for a CPE deficit of 18 hours.
William Carl Mercer, MD Complaint No. 24-60-W	October 23, 2024	These licensees were fined \$500.00 for providing an incorrect response on their 2023 license renewal application.
Mansoor Ahmad Raja, MD Complaint No. 24-61-W		
Joseph Jacob Schmidhofer, MD Complaint No. 24-56-W	October 23, 2024	These licensees were fined \$500.00 for failing to complete a Board approved CME course on drug diversion training and best practice prescribing of controlled substances training.
Jim Harper Sponaugle, MD Complaint No. 24-58-W		
David Farbod Meriwether, MD Complaint No. 24-88-W	October 28, 2024	This licensee permanently surrendered his West Virginia medical license to resolve a complaint that alleged he engaged in sexual and professional misconduct towards hospital employees.

Beth Ann Omundsen-Ott, MD Complaint No. 24-53-W	October 28, 2024	This licensee was fined \$500.00 for failing to complete a Board approved CME course on drug diversion training and best practice prescribing of controlled substances training.
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## **EXECUTIVE**

**SESSION** Mr. Tipton made a motion that the Public Session be recessed in order to enter into Executive Session pursuant to W. Va. Code § 6-9A-4(b)(4) and (6), and West Virginia Code § 30-3-6 to discuss pre-probable cause disciplinary matters, matters effecting a license, and information that, if disclosed, would constitute an unwarranted invasion of privacy. Dr. Kukkillaya seconded the motion, and the motion carried.

## **PUBLIC**

**SESSION** The Complaint Committee re-entered Public Session. Dr. Mullins declared a conflict on a pending matter which was referred to the Complaint Committee for possible initiation of a Committee complaint. Dr. Mullins disclosed that his conflict relates to the fact that his personal and professional interactions with the licensee may create an appearance of partiality or bias. Dr. Mullins designated Ms. Mayfield to chair the meeting in his absence and left the meeting room.

Dr. Kukkillaya moved that the Committee initiate Complaint No. 24-102-W. Mr. Tipton seconded the motion, and the motion carried. Having completed the matter in which Dr. Mullins declared a conflict, Dr. Mullins returned to the meeting room for the remainder of the meeting.

## **COMPLAINT COMMITTEE**

**ACTIONS** Dr. Kukkillaya moved that the Committee take the following actions:

### **CLOSURES**

24-50-W	Timothy John Bruehwiler, MD
24-48-W	Gabriel Elia Yacob, MD
24-90-W	Donald Joseph Kash, MD
24-73-W	Mustafa Rahim, MD
24-80-W	Mansoor Ahmad Raja, MD
24-76-P	Aliana Michelle Abascal, MD
24-78-W	Mack Joe Arroliga, MD

24-66-R	James Michael Beane, MD
24-79-B	Christopher John Foti, PA
24-75-L	Elizabeth Ann McClellan, MD
24-77-P	Julia Lynn Preusch, MD
22-73-W	Paul Duane Davis, MD

### **INITIATED COMPLAINTS**

24-99-W

24-100-W

24-101-W

Mr. Tipton seconded the motion, and the motion carried.

Dr. Kukkillaya moved that the Committee seek authority from the Board to issue Consent Orders or Amended Consent Orders in five ongoing matters. Mr. Tipton seconded the motion, and the motion carried.

The Committee is currently investigating a complaint regarding Subhash A. Vyas, MD, License No. 12356, Complaint No. 24-94-W, which was initiated based upon a report raising concerns regarding co-prescribing of controlled substances to patients. Dr. Vyas has been licensed in West Virginia since 1980 and has a prior history of discipline with the Board. The Committee's investigation revealed that Dr. Vyas is currently working on a limited basis at an MAT clinic in Williamson, West Virginia, where he regularly prescribes combinations of 2, 3 or 4 controlled substances to many patients that create a risk for respiratory depression. Additionally, there are concerns that Dr. Vyas does not have control of his DEA registration and further that Dr. Vyas may be unable to practice medicine and surgery with reasonable skill and safety due to physical or mental impairment, including deterioration through the aging process that raise associated concerns for patient safety. Dr. Vyas appeared before the Committee today.

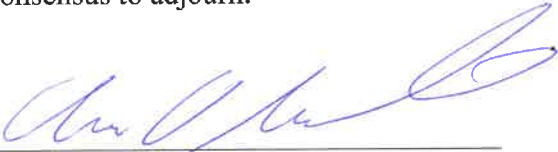
The Committee discussed one additional pending complaint and considered whether summary action was warranted. Dr. Kukkillaya moved:

1. That the Committee conclude that, based upon Dr. Vyas's appearance and responses to justify that it has concerns for public safety that requires immediate action.
2. The Committee also has concern for the mental and physical health of Dr. Vyas and his ability to practice medicine and surgery safely on patients.
3. That the Committee determine that Dr. Vyas's continuation in practice constitutes an immediate danger to the health, welfare and safety of the public;
4. That the Board be provided with information relating to evidence that the Committee reviewed in reaching their recommendation in this matter; and

5. That the Committee recommend that the Board:
  - a. Ratify the Complaint Committee's conclusions as reported here today;
  - b. Determine that under all the circumstances, for Dr. Vyas' to continue to hold an unrestricted license to practice medicine in the State of West Virginia, constitutes an immediate danger to the health, welfare, and safety of the public;
  - c. Conclude, as a matter of law, that such a danger to the public demands extraordinary measures;
  - d. In accordance with its statutory mandate to protect the public interest, SUMMARILY SUSPEND the license to practice medicine of Dr. Vyas, license number 12356, in accordance with the provisions of W. Va. Code §30-3-14(k) and W. Va. Code R. §11-3-10.16 (2010); and
  - e. Order Dr. Vyas to participate in a mental and physical examination to determine his current fitness to practice medicine and surgery with reasonable skill and safety.

Mr. Tipton seconded the motion, and the motion carried.

**ADJOURNMENT** There being no further business, the Complaint Committee determined by consensus to adjourn.



David A. Mullins, MD  
Chair of the Complaint Committee